

1645

PATENT

Attorney Docket No.: A-69026/DJB/JJD

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

P# 7

In re application of:

GISH et al.

Serial No. 09/702,216

Filed: October 30, 2000

For: NOVEL METHODS OF
DIAGNOSING BREAST
CANCER, COMPOSITIONS, AND
METHODS OF SCREENING FOR
BREAST CANCER
MODULATORS

Examiner: Unknown

Art Unit: 1645

RECEIVED

OCT 11 2001

TECH CENTER 1600/2900

CERTIFICATE OF MAILING

I hereby certify that this correspondence, including listed enclosures, is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231 on:

Dated: 8-5-01Signed: Marjorie Jost
Marjorie JostINFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

In satisfaction of the duty of disclosure under 37 C.F.R. § 1.56, and in accordance with the provisions of 37 C.F.R. §§ 1.97 and 1.98, Applicants wish to draw the attention of the U.S. Patent and Trademark Office to the references cited on the accompanying form PTO-1449. Copies of references 16 and 17 are enclosed. Since copies of all other references were provided either by the Applicants or the Examiner in United States Serial Nos. 09/525,361, filed March 15, 2000; 09/453,137, filed December 2, 1999; or 09/450,810, filed November 29, 1999, upon which the instant application relies for its priority date, in accordance with 37 C.F.R. § 1.98(d), no copies of these references are enclosed with this document.

None of the foregoing references is believed to disclose the invention as claimed. Nothing herein shall constitute an admission concerning the contents of any of the cited references, nor

Serial No.: 09/702,216
Filed: October 30, 2000

shall the inclusion of a reference herein be considered an admission that the reference constitutes prior art against the invention claimed in the above-identified application. Submission of the present document shall not be construed as an admission that a search has been made or that better art does not exist.

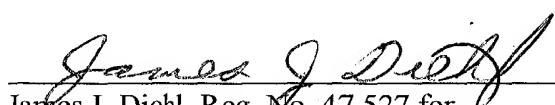
As far as is known to the undersigned, this information disclosure statement is being filed before the mailing of a first Office action on the merits as set forth in 37 C.F.R. § 1.97(b), and therefore no fee is required. Although no fee is currently believed to be due, the Commissioner is authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 06-1300 (Our Order No. A-69026/DJB/JJD).

Respectfully submitted,

FLEHR HOHBACH TEST
ALBRITTON & HERBERT LLP

Dated: Oct 5, 2001

Four Embarcadero Center
Suite 3400
San Francisco, CA 94111-4187
Telephone: (415) 781-1989


James J. Diehl, Reg. No. 47,527 for
David J. Brezner, Reg. No. 24,774